

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 22nd day of August 2017, the Amarillo City Council met at 4:00 p.m. for a work session, and the regular session was held at 5:00 p.m. in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

GINGER NELSON
ELAINE HAYS
FREDA POWELL
EDDY SAUER
HOWARD SMITH

MAYOR
COUNCILMEMBER NO. 1
COUNCILMEMBER NO. 2
COUNCILMEMBER NO. 3
COUNCILMEMBER NO. 4

Absent were none. Also in attendance were the following administrative officials:

JARED H. MILLER
BOB COWELL
MICK MCKAMIE
BLAIR SNOW
FRANCES HIBBS

CITY MANAGER
DEPUTY CITY MANAGER
CITY ATTORNEY
MANAGEMENT ANALYST
CITY SECRETARY

The invocation was given by Greg Dowell, Amarillo Central Church of Christ. Mayor Nelson led the audience in the Pledge of Allegiance.

Mayor Nelson established a quorum, called the meeting to order, welcomed those in attendance and the following items of business were conducted:

PUBLIC COMMENT:

Jerri Glover, 5707 Berget Drive, spoke in favor of relocating the Confederate statute currently in Ellwood Park. Mike Moore, 3537 Tripp Avenue, stated he was a member of the Sons of the Confederate Veterans. He stated Confederacy was more than just slavery. There are 163 Confederates buried in Amarillo. He asked that the statute be left up. Mildred Darton, 2005 Northwest 14th Avenue, acknowledged Bob Cowell's leaving. Barbara Ann Burnette, 4406 Prairie Avenue, stated she would like the citizens to be able vote on whether the statute stays or not. She further stated she does not want to pay for parking downtown. Nick Smart, 6110 Calumet Road, spoke on the proposed golf permits fee increases. Floyd Anthony, 910 South Avondale Street, stated all symbols of Confederacy are linked to slavery. He further stated the NAACP Branch calls for the removal of all symbols of the Confederacy. James Schenck, 6216 Gainsborough Street, stated more research is needed on Robert E. Lee who fought for this country. He stated most people did not know the statute even existed. He suggested a plaque explaining the statute. He also stated he hoped the City has a parking problem downtown. Rusty Tomlinson, 5700 Canyon Drive, stated the Confederacy was not all about slavery, He read from the Declaration of Causes dated February 2, 1861 (A declaration of the causes which impel the State of Texas to secede from the Federal Union). Angela Clark, 207 Butadieno, Borger, stated slavery was a terrible thing that happened. She stated the statute was a symbol of oppression and must be remembered because history cannot be sanitized. James Roberts, 17400 Morning Star, Canyon, stated the person on the statute fought in the war. Later he was a Justice of Peace and severed two terms in the House of Representatives. He stated the statute has been in the park for 86 years with no one complaining. He proposed a bill to protect all monuments. He further stated Amarillo needs to be a role model and leave the statutes and monuments alone. His online petition has 5200 signatures. Matthew D. Ricks, 4511 South Bonham Street, stated 22 veterans commit suicide every day. He stated Confederate soldiers were given the same benefits. He inquired if in 50-years names would be removed from current memorials. He stated there was no such thing as a good war. They are generally about races, creeds and religions and without the history, history would repeat itself again. Eloy Heras, 1604 South Harrison Street, stated he was a veteran and there were 20,000 Hispanics who fought in the Civil War. He stated Arlington Cemetery was the property of Robert E. Lee. Mr. Heras stated

900,000 civilians and military died in that war. He asked that the statute be left up and many people did not know it was even in the park. Trey Bates, 8530 South Western Street, stated the civil war was a bad war which was fought over taxation and there was a lot of slavery on both sides. He stated the country will fall if we do away with our history. He stated the hatred needs to stop. Edith DiTommaso, 1613 (B) Bowie Street, expressed grief about what happen in Charlottesville. VA recently. She spoke out against bigotry, and all forms of hatred speeches. Thomas Politz, 7906 London Court, stated there was a lot at stake and as a Pastor in the community he expressed deep love and respect for Council. He stated leaders are individual thinkers and effective leaders make wise decisions. He asked for a possible creative solution such as, what can we build together. There were no further comments.

ITEM 1: Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Councilmember Powell to approval of the consent agenda, seconded by Councilmember Smith.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

- A. **MINUTES:**
Approval of the City Council minutes of the regular meetings held on August 15, 2017.
- B. **AWARD – PROFESSIONAL ENGINEERING SERVICES:**
(Contact: Ron Burton, Water Production Superintendent)
Awarded to: Alan Plummer Associates, Inc. – Not to exceed \$162,500
This item is for the design of the rehabilitation of Filer Nos. 5-8 and design of Filter to Waste capability for Filters Nos. 1-8. Also, includes design of backwash recovery from the lagoons to the piping upstream of the ozone contactor.
- C. **AWARD -- SNOW REMOVAL EQUIPMENT (SRE) AND MODIFICATIONS FOR AIRPORT BUILDING 502:**
(Contact: Mike Conner, Airport Director)
Awarded to: Haynes Fire Protection -- \$118,950.00
This item awards the bid for Snow Removal Equipment (SRE) fire suppression system repair and upgrades for Building 502 at the Amarillo Rick Husband international Airport.
- D. **APPROVAL -- AMENDMENT OF CONTRACT NO. CP1704 BETWEEN THE CITY OF AMARILLO, TEXAS AND THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS: STATE ENERGY CONSERVATION OFFICE (AGREEMENT-IN-PRINCIPLE PROGRAM):**
(Contact: Chip Orton, Emergency Management Coordinator)
This amendment is a yearly occurrence where funds are transferred to cover costs as we reevaluate costs near the end of the fiscal year. Money is being transferred from other and Benefits accounts to cover Salaries and Indirect Costs.
- E. **APPROVAL -- INTERLOCAL AGREEMENT BETWEEN THE CITY OF AMARILLO, TEXAS AND THE VILLAGE OF LAKE TANGLEWOOD:**
(Contact: Chip Orton, Emergency Management Coordinator)
This item approves an interlocal agreement between the City of Amarillo, Texas and the Village of Lake Tanglewood for the ability of the Office of Emergency Management to activate the Village's Outdoor Warning Sirens and for Radio Communications to maintain and repair the same.
- F. **APPROVAL – CITY MANAGEMENT EXECUTION OF STANDARD UTILITY AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR 12" WATER MAIN RELOCATION IN I-40 EAST BOUND FRONTAGE ROAD AT BELL STREET:**
(Contact: Floyd Hartman, CIP Director)
This item is to approve the Agreement for City execution for the relocation of an existing water main in TxDOT right-of-way.

G. **APPROVAL – CITY MANAGEMENT EXECUTION OF EMERGENCY WORK AUTHORIZATION WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR RELOCATION OF SANITARY SEWER MAIN IN BELL STREET SOUTH OF I-40:**

(Contact: Floyd Hartman, CIP Director)

This item is to approve the Emergency Work Authorization for City execution for the relocation of an existing sanitary sewer main.

H. **APPROVAL – LICENSE AND HOLD HARMLESS AGREEMENT:**

License and Hold Harmless Agreement to encumber two (2) 5' x 80' subsurface areas of public right-of-way (South Tyler Street and Southwest 4th Avenue) for underground fiber optic lines between Block 1, Glidden and Sanborn Unit No. 13, Block 35, Glidden and Sanborn Unit No. 8, and Block 34, Glidden and Sanborn Unit No. 1, all in Section 169, Block 2, AB&M Survey, Potter County.

I. **APPROVAL -- AVIATION CLEAR ZONE EASEMENT:**

Aviation Clear Zone Easement being 4,950 feet above mean sea level above the plat of Osage Acres Unit No. 7, an addition to the City of Amarillo, being a replat of a portion of Lot 21, Osage Acres Unit No. 1, in Section 148, Block 2, AB&M Survey, Randall County, Texas.

J. **ACCEPTANCE – TEXAS TRAFFIC SAFETY GRANT AGREEMENT – STEP COMPREHENSIVE GRANT:**

(Contact: Sergeant Wes Hill, Amarillo Police Department)

Grantor: Texas Department of Transportation

Grant Amount: \$169,048.88

Match Amount: 42,677.50

Total Awarded: \$211,726.38

This item accepts the Fiscal Year 2018 Texas Traffic Safety Program Grant. The Texas Department of Transportation provides funding to the Amarillo Police Department to focus additional resources to fund patrol and enforcement of speed enforcement, occupant protection (seatbelt and child safety seats), distracted driving and Driving While Intoxicated (DWI) offenses.

REGULAR AGENDA

ITEM 2: Mayor Nelson held a public hearing and presented the first reading of an ordinance rezoning Lots 1, 2, 4 through 8, and a portion of lot 3, Block 24, Mrs. M. D. Oliver Eakles Unit No. 1, in Section 171, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 351(PD-351) to Residential District 1 (R-1) with Specific Use Permit 3 (S-3) (Vicinity: Southwest 24th Avenue and South Van Buren Street.) AJ Fawver, Planning Director, presented this item. Mayor Nelson opened a public hearing on this item. There were no comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Sauer, seconded by Councilmember Hays, that the following captioned ordinance be passed:

ORDINANCE NO. 7676

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SOUTHWEST TWENTY FOURTH AVENUE AND SOUTH VAN BUREN STREET, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 3: Mayor Nelson held a public hearing and presented the first reading of an ordinance rezoning a 24.37 acre tract of land in Section 191, Block 2, AB&M Survey,

Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to Residential District 3 (R-3). (Vicinity: Temecula Creek Boulevard and Cabernet Way.) AJ Fawver, Planning Director, presented this item. Mayor Nelson opened a public hearing on this item. There were no comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that the following captioned ordinance be passed:

ORDINANCE NO. 7677

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF TEMECULA CREEK BOULEVARD AND CABERNET WAY, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 4: Mayor Nelson held a public hearing and presented first reading of an ordinance annexing into the City of Amarillo, Potter County, Texas, on petition of property owner, territory generally described as a 154.68 acre tract located northwest of the city northwest of the intersection of Ravenwood Drive and Tascosa Road (RM 1061), and extending north/northwest adjacent to the westernmost line of Tascosa Road (RM 1061) for a distance of 5,562', and out of an 883.57 acre tract situated in Section 24, Block 9, B.S.&F. Survey; describing the territory annexed; finding that all necessary and required legal conditions have been satisfied; providing for amendment of the boundaries and official map of the City; approving a service plan therefore; subjecting the property situated therein to bear its pro rata part of taxes levied; providing rights and privileges as well as duties and responsibilities of inhabitants of said territory; directing the filing of the ordinance in the manner required by law; directing notice to service providers and state agencies; providing a severability clause; declaring compliance with open meetings act; and, providing an effective date. AJ Fawver, Planning Director, presented this item. Mayor Nelson opened a public hearing on this item. Joe Watkins, 7609 Countryside, stated he appreciated Council considering approval of the annexation. He further stated this development would occur in three phases. Allen Finegold, 2601 North Grand Street, encouraged the Council to have a study done on projects considered within the City, particular topography and cost of thoroughfares before annexations are accepted in the future. There were no further comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Smith, seconded by Councilmember Powell, that the following captioned ordinance be passed:

ORDINANCE NO. 7678

AN ORDINANCE ANNEXING INTO THE CITY OF AMARILLO, POTTER COUNTY, TEXAS, ON PETITION OF PROPERTY OWNER, TERRITORY GENERALLY DESCRIBED AS A 154.68 ACRE TRACT LOCATED NORTHWEST OF THE CITY NORTHWEST OF THE INTERSECTION OF RAVENWOOD DRIVE AND TASCOSA RD (RM 1061), AND EXTENDING NORTH/NORTHWEST ADJACENT TO THE WESTERNMOST LINE OF TASCOSA RD (RM 1061) FOR A DISTANCE OF 5,562', AND OUT OF AN 883.57 ACRE TRACT SITUATED IN SECTION 24, BLOCK 9, B.S.&F. SURVEY; DESCRIBING THE TERRITORY ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE PLAN THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS OF SAID TERRITORY; DIRECTING THE FILING OF THE ORDINANCE IN THE MANNER REQUIRED BY LAW; DIRECTING NOTICE TO SERVICE PROVIDERS AND STATE AGENCIES; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND, PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 5: Mayor Nelson presented a resolution approving the 2017/2018 Amarillo Convention and Visitor Council budget with funding from hotel/motel occupancy tax revenue collected within the City. The Amarillo Convention and Visitor Council performs tourism, convention and cultural events, promotions and recruitment efforts for the City. This item was presented by Dan Quandt, Convention and Visitor Council. Motion was made by Councilmember Sauer, seconded by Councilmember Powell, that the following captioned resolution be passed:

RESOLUTION NO. 08-22-17-1

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS: APPROVING EXPENDITURE OF HOTEL OCCUPANCY TAX REVENUE BY THE AMARILLO CONVENTION AND VISITOR COUNCIL FOR THE FISCAL YEAR OCTOBER 1, 2017 TO SEPTEMBER 30, 2018.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 6: Mayor Nelson presented a resolution approving the FY2017-18 Amarillo Economic Development Corporation budget. This budget is funded by an existing one-half cent local sales tax and is utilized to attract and develop industrial, manufacturing and associated economic development enterprises as well as to retain and expand existing qualified businesses. These activities create employment and economic development opportunities for our community. This budget is recommended for approval by the Amarillo Economic Development Corporation Board of Directors. This item was presented by Barry Albrecht, Amarillo Economic Development Corporation. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, that the following captioned resolution be passed:

RESOLUTION NO. 08-22-17-2

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS: APPROVING THE PROPOSED OPERATING BUDGET FOR THE FISCAL YEAR 2017-2018 FOR THE AMARILLO ECONOMIC DEVELOPMENT CORPORATION.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 7: Mayor Nelson presented a resolution requesting the City Council approve a resolution approving the submission of a loan application for an additional \$12,500,000 to fund the anticipated construction, construction engineering services, special services, financial services, and contingencies to replace the existing Lift Station 32. The TWDB approval for the planning and design of the project was included in TWDB project #73663 of which \$2,615,473 is still available for construction. The City's consultant has prepared plans and specification bid documents to a sufficient level for the project to qualify to apply for the construction funding. This item was presented by Floyd Hartman, CIP Director. Motion was made by Councilmember Sauer, seconded by Councilmember Hays, that the following captioned resolution be passed:

RESOLUTION NO. 08-22-17

Application Filing and Authorized Representation Resolution

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 8: Mayor Nelson presented a resolution creating and appointing members to a citizen advisory committee for the photographic traffic signal enforcement system as required by state law. The Photographic Traffic Signal Enforcement Citizen Advisory Committee must consist of one member appointed by each member of the City Council. The Citizen Advisory Committee will review traffic engineering studies and advise City Council on the installation and operation of the photographic traffic signal enforcement system. This item was presented by Michael Padilla, Traffic Field Superintendent. Mr.

Miller suggested using the existing Traffic Advisory Board to avoid creating another board. Mr. Padilla stated they had not heard from Mr. Everhart and Mr. Downey's term has expired but he is willing to serve until he is replaced. Mayor Nelson nominated Barbara Richardson, Councilmember Hays nominated Charlie Graham, Councilmember Powell nominated Scottie South, Councilmember Sauer nominated Adam Schaer and Councilmember Smith nominated Steve Rogers. Motion was made by Councilmember Powell to approve the appointments as stated, seconded by Councilmember Hays, that the following captioned resolution be passed:

RESOLUTION NO. 08-22-17-4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: APPOINTING A CITIZEN ADVISORY COMMITTEE ON THE INSTALLATION AND OPERATION OF THE PHOTOGRAPHIC TRAFFIC ENFORCEMENT SYSTEM; PROVIDING FOR SEVERABILITY CLAUSE, SAVINGS CLAUSE AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 9: Mr. Miller asked that this item be tabled until they have had time to contact other entities to review theirs or adopt other items to be added to the City's plan. Mr. Grubbs stated they would get with landscapers and nurseries to review the plan going forward the next five-years. Mayor Nelson stated it would also give citizens the opportunity to review and comment on the plan. Motion was made by Councilmember Powell to table this item until after public engagement and a meeting with the Environmental Task Force; seconded by Councilmember Sauer.

RESOLUTION NO. 08-22-17

A RESOLUTION OF THE AMARILLO CITY COUNCIL AMENDING THE WATER CONSERVATION PROGRAM FOR THE CITY OF AMARILLO, ORIGINALLY ADOPTED IN 2002 AND LAST AMENDED IN 2007; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE: PROVIDING A SAVINGS CLAUSE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 10: Mayor Nelson presented an item approving the construction contract for Wastewater Collection Improvements for the replacement of select sanitary sewer lines utilizing the pipebursting method. The location of this project targets specific areas identified by the Wastewater Collection Department. This item was presented by Alan Harder, Civil Engineer. Motion was made by Councilmember Sauer, seconded by Councilmember Hays, that this item be approved.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

Item Taken Out of Order

ITEM 11: Mayor Nelson presented an item approving a performance-based incentive to Fairly Consulting Group, LLC/Occunet, LLC for the creation of new employment positions in Amarillo. The expansion of The Fairly Group will bring 100 new jobs to Amarillo with a gross annual payroll of \$5,700,000. The Fairly Group is headquartered in Amarillo and provides risk management and medical cost containment services to companies across the nation. The Fairly Group also operates offices in Houston and Denver. This expansion project prescribes The Fairly Group create jobs first and then receive incentive payments upon the achievement of annual performance metrics. Should The Fairly Group meet or exceed its stipulated performance metrics under this Agreement, the Amarillo Economic Development Corporation's total investment in this expansion project shall be \$1,800,000. The Fairly Group must create new jobs above its current headcount of 72 employees and corresponding payroll of \$6,200,000. This project was approved by the Amarillo Economic Development Corporation Board of Directors at its regular meeting on August 15, 2017. This item was presented by Barry Albrecht, President, Amarillo Economic Development Corporation. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that this item be approved.

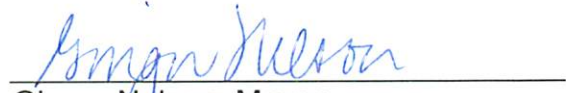
Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

Mayor Nelson advised that the meeting was adjourned.

ATTEST:



Frances Hibbs, City Secretary



Ginger Nelson, Mayor